

Tributes

Citizen Brown

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Good afternoon. On behalf of my colleagues at the Law School, the Yale University Press, and the members of the Brown family, I would like to welcome you to this service of remembrance and celebration.

We are here this afternoon to remember the life of our good friend, Ralph Brown. Ralph's was a life of many parts. Others in their remarks will have something to say about Ralph's extraordinary involvement with the American Association of University Professors, with the American Civil Liberties Union, with the Yale University Press, and, of course, with his beloved town of Guilford. I am going to speak about Ralph's involvement in the life of the Yale Law School, a school on whose faculty he served for more than fifty years, and that he loved with every fiber of his being. But what I have to say about Ralph in my remarks this afternoon will reveal an aspect of the man that all of his other involvements at Yale and beyond the University reveal as well. Ralph was a man of integrity, and that means that he had the wholeness of character and soul that shows itself completely in every undertaking and engagement of the person. It is the most precious of all qualities, and Ralph possessed it in visible abundance.

I want to make three different sets of observations about Ralph's life in the Law School. I want first to say a word or two about his career as a teacher. Then I would like to speak briefly about Ralph's role as a citizen in the life of the School. Finally, and to my mind most importantly, I want to say a few words about Ralph's guiding beliefs and the way in which they reflected the ideals of the law school that he loved so deeply.

On Ralph as a teacher, I have to begin by noting the obvious: Ralph was a great scholar. He was the author of many distinguished, indeed

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celebrated, books and articles. He was, in fact, the master of his chosen field—the law of intellectual property—and that is not something that can be said about every distinguished scholar in this University. He occupied his field. He shaped it. He gave it life for an entire generation of scholars, though I suspect that many of his students never really appreciated the extent of Ralph's stature as a scholar until they encountered, perhaps years later, his written work in a more extensive way.

Nor, I suspect, did it matter much to them. What mattered was Ralph's warmth and openness, his genuine availability as a human being, and his willingness to open his office and his heart to every student who walked in. Ralph was supremely plain spoken in his dealings with colleagues and with students, and we all appreciated that. With Ralph, there was no beating about the bush. He got directly to the matter and spoke with a bluntness that, were it not for Ralph's amazing warmth, might have been startling or even intimidating. But it had just the opposite effect, inviting you in and making you feel that you were in the company of a friend who would tell it as it is.

I must briefly note in this connection what I regard as a rather curious fact about Ralph. I have commented on his plain-spokenness: Ralph had a profound distaste for cant, for obfuscation, for the rhetoric that dissembles and hides and disguises. He had a perfect ear for the authentic word, and he knew it when he heard it. Often enough, he knew it when he didn't hear it and he let us all know that the note that had been struck was off. Ralph had what I think might fairly be described as an antimetaphysical cast of mind. Of abstraction he remained distrustful until he had become confident that it said something true and useful about the world. And yet he chose as his special field of scholarly work a field that, as he himself observed in the introduction to his casebook on copyright law,¹ is one of the most metaphysical corners of the law, where abstraction intensifies to an almost unimaginable degree. So here is the lover of plain speech and straight thinking—who has chosen to make himself the master of a field of extraordinarily delicate metaphysical cobwebs. It has caused me to wonder whether Ralph really did not have a metaphysical appetite after all, concealed artfully under his straightforwardness and reverence for the clean and useful word.

I would like now to say something about Ralph's contribution as a citizen of the Yale Law School. Good citizenship was for Ralph Brown an everyday matter. He was active in the affairs of the School to a degree matched by few members of the faculty. He served on an endless number of

1. RALPH S. BROWN & ROBERT C. DENICOLA, *CASES ON COPYRIGHT, UNFAIR COMPETITION, AND RELATED TOPICS BEARING ON THE PROTECTION OF LITERARY, MUSICAL, AND ARTISTIC WORKS* at v (7th ed. 1998).

committees and on several occasions took on particularly arduous assignments in the administration of the School, as the associate dean from 1965 to 1970 during Lou Pollak's deanship, and twice as the acting librarian, in 1967 and again in 1980. The Yale Law School faculty is a collection of outstanding scholars, of men and women absorbed in their work, often to the exclusion of everything else. Many of my colleagues on the faculty are oblivious to the world and its needs, even to the needs of the school they inhabit. That is inevitable and not undesirable. But there must be a few who from time to time are willing to help shoulder the burdens of administration, and if there were not, the whole machine would quickly grind to a halt. Ralph was one of those few who willingly, even eagerly, stepped forward to insure that the show went on.

That was one of his admirable qualities, but he had another, critically important in any academic administrator, from which I have often taken heart and inspiration. It was a quality revealed to me many times during my long friendship with Ralph, and I was reminded of it recently when reading through Ralph's file, where I came across a letter he had written to Gene Rostow during the period of Gene's deanship. The letter was written, if I recall, in the early 1960s. Ralph and Betty were abroad on sabbatical. The letter was folded into one of those blue air mail envelopes that you do not see much anymore, crammed with typewriting on both sides. In that letter, Ralph offered his thoughts about a number of matters that were then before the faculty of the Law School, and even today his counsel seems wise and to the point. But there was one remark of Ralph's that really struck home. After taking note of the fact that Gene had recently created a new administrative deanship in the Law School—I forget for what purpose—Ralph said, "I think this is a perfectly permissible thing for you to do and probably desirable. But we must guard against the multiplication of a swarm of deans who will come in time to view the faculty as their employees, rather than the other way around." Ralph understood that the administration of the Yale Law School, of any academic enterprise, is there to serve the faculty and students, and he carried this thought into his own administrative work at the School. The School needs citizens who will help carry the load of administration. But above all it needs citizens who will do this while recognizing that administration is the least important thing that happens in the School, and Ralph understood this perfectly.

Finally, I must say something about Ralph's character and its relation to the character of the Law School itself. Ralph Brown was devoted above all else to the liberal value of freedom—academic freedom, literary freedom, political freedom, freedom in all of its manifestations. This was the moral touchstone of Ralph's professional and personal life, and he had a sharp sense of the threats to freedom that emerged during different periods in his life, from different quarters and different political parties. He understood

the threat that McCarthyism posed to the great liberal value of freedom, and he fought it. Years later, he understood the threat that the student movement of the 1960s posed to this same ideal, and he stood up again. And he understood how the creeping ethos of political correctness can stifle and squash freedom too, and he spoke out against it. Over the whole course of his career, Ralph compiled an admirable record of integrity and courage in the defense of freedom. He stood up when everyone should have, but many did not. Ralph's life is a model of what commitment to freedom means.

Ralph had his principles, and they were firm. But Ralph also had a generosity of spirit, a warmth, a natural affectionateness, that made it plain that however clear his principles were, if you belonged to the wide circle of decent folk, of freedom-loving men and women, he was your friend, and on your side. In a society like ours, dedicated to the protection and advancement of the great liberal ideal of freedom, there will be many moments of friction and contest, of anger and division. To survive these, it is essential that our national commitment to freedom be tempered by the generosity of spirit—the charity, the compassion, the friendliness—that Ralph Brown exhibited throughout his life. These two qualities—a fierce devotion to freedom and a friendly love of people—belong together, and in the end can survive only if they are joined.

I have just described the ideals of the Yale Law School. But these ideals endure because every now and then we can point to someone and say, “Yes, look, it is possible to live up to them after all.” The ideals of the Yale Law School live on because every now and then the School is lucky enough to have someone like Citizen Brown in its midst.